

## REMARKS

Claims 1 to 6 remain in the application.

With these amendments, Applicant has corrected page 5 of the disclosure to note that the paperboard layer is indeed indicated by reference numeral 26.

In the claims, Claims 1 and 2 have been revised to ensure that the terminology utilized therein is consistent. The amendments are believed to overcome the Examiner's objections in paragraphs 3 and 4 of the Office Action.

Reconsideration of the Examiner's rejection of the claims under 35 U.S.C. 103 is respectfully requested in view of the following discussion.

*def. 1  
laminate*

The Examiner has rejected Claim 1 as allegedly unpatentable over U.S. Patent 3,924,747 to Gerner in view of U.S. Patent 5,339,960 to Price. In this regard, the Examiner further stated that Gerner discloses a package wherein tear strips 28 formed in reinforcing layer 27 are such that the reinforcing layer will delaminate as allegedly shown in Figure 10. However, it is respectfully submitted that Gerner does not begin to show an embodiment wherein the reinforcing layer will delaminate. Referring to Figure 10, the reference numeral 25 is used to identify to foil layer. It is thus clear from both this figure and Figure 11 (along with the accompanying description) that no delamination of the paperboard layer occurs.

With respect to the reference of Price, the Examiner has stated that blister pack assembly 37 is made of blister sheet 12, rupturable foil 60 and a layer of paper 62. While it is agreed that this reference shows a blister package having a rupturable foil 60 and a further layer 62 adhered thereto, it is not understood how this teaching is

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relevant to Gerner. In order to combine the references, there would have to be some teaching that would be desirable to incorporate such a paper layer. The Examiner has used Applicant's own teachings in an attempt to show obviousness and such ex post facto analysis is clearly not permissible.

In summary, the primary reference fails to teach to basic of the present invention as defined in Claim 1 (delamination) and the secondary reference likewise does not contain such teachings. Accordingly, it is believed that the objections to the claims should be withdrawn and the application passed to allowance and such action is respectfully solicited.

Respectfully,



Eric Fincham  
Reg. 28,201

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 at Fax No. (703) 872-9302 on the date set forth below.



Eric Fincham, Reg. 28,201

Date

*Aug 20, 2003*

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